STUDENT PAPER ▫ 3

COMMUNITY INVOLVEMENT IN THE SITE-SELECTION PROCESS: A MATTER OF CITIZEN PARTICIPATION— THE MANITOBA HAZARDOUS WASTE MANAGEMENT CORPORATION

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INSTITUTE of URBAN STUDIES
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INTRODUCTION

As citizens of a developed world, we collectively contribute to the problem of hazardous waste. Consequently, it is our responsibility to deal with the issue of waste management. However, past experiences of poorly managed hazardous waste treatment facilities make us fearful of repeating history. More often than not, the approach to siting a hazardous waste treatment facility has been one of a technocratic nature. Social considerations have only been examined after the fact. Public participation is tacked on at the end of the process as lip-service to combat community resistance. The fear of history being repeated is a real one, that often results in the Not In My Back Yard (NIMBY) syndrome.

The purpose of this paper is to examine how the Manitoba Hazardous Waste Management Corporation (MHWMC) has dealt with the issue of finding a location for a proposed hazardous waste treatment facility. The issue of community involvement in the site selection process within the City of Winnipeg is the focus. This paper will show that the efforts of the MHWMC to find an equitable solution to locate a hazardous waste treatment facility through community involvement is good in theory, but when applied in reality, falls short. Lack of genuine public participation is the main criticism of the MHWMC's methods. Through an examination of citizen participation theory, it will be shown that the efforts of the Corporation to involve the public is one of tokenism.

CITIZEN PARTICIPATION

Some argue that "political or citizen participation denotes activity directed toward influencing public decisions and attendant actions."[1] In other words, we participate politically when we somehow contribute to, and/or share in, the making of public choices.

This definition of public participation is rather all-encompassing. However, the question one has to ask is whether this definition denotes *meaningful* participation or not. If in the planning process public hearings are conducted[2] and only a few people attend, has meaningful participation been achieved? In Manitoba, for major Class III developments, it is the Minister of the Environment who determines when public hearings are to be held. If the Minister wants a particular project to go through for various political reasons, the process of public hearings can easily be subverted. They will be used as a means for the public to have their concerns heard, but not necessarily addressed.

Some argue that Canada is not really a participatory society. They argue that for this reason, public hearings are typically poorly attended. The citizens, in general, are not interested in getting involved. On the other hand, others argue that to a great extent these democratic opportunities to "participate" are

nothing more than a façade. They are not intended to be conducive to genuine citizen participation in public policy formation or implementation. The argument is that, even though there are many opportunities for citizen participation, the public realizes that it will not have any real impact, and, consequently, feels that it is useless to get involved.[3]

Concerning this point, Sherry Arnstein has developed an eight-tiered analysis of citizen participation, which she calls the "ladder of citizen participation." It is based on the distinction between the empty ritual of participation and having real power to affect outcomes. There are three categories within this ladder. These categories are "non-participation," "degrees of tokenism," and "degrees of citizen power."

LADDER OF CITIZEN PARTICIPATION

Levels of non-participation include the two bottom rungs. The first rung, *manipulation*, is intended to "educate" the public by gaining support for already decided upon plans and programs. The second, *therapy*, refers to the practice of "curing" the public of its concerns over basic flaws and injustices within the program.[4] This kind of participation is not intended to allow people to help plan or conduct programs, but rather it is designed for those holding power, to convince the participants that the program they are presenting is best.

The category of tokenism is seen in the next three rungs of *information*, *consultation* and *placation*. These levels of participation are intended to give citizens the opportunity to be "heard" through public meetings and surveys, but not to be "heeded." There is no real power for citizens in this kind of participation. It is used only to give citizens the feeling that their concerns are being addressed.[5]

The highest rungs of the ladder, rarely attained, include degrees of actual citizen power to influence outcomes in public policy. Rung six, *partnership*, enables citizens to bargain meaningfully with ongoing power holders. In the cases of rung seven, *delegated power*, and rung eight, *citizen control*, the citizens achieve at least "majority power" in public decision-making situations.[6]

In theory, it is arguable that the methods[7] which the MHWMC has used to include the public in the site-selection process encompass the last three rungs of Arnstein's ladder, thereby allowing for meaningful participation. But in reality, because our political system is based on representative democracy, the municipal council, not the citizens affected by the outcome, makes the final decision.

As a result, no meaningful participation (according to Arnstein's scheme) can be achieved. The citizens who participate will hold no decision-making power. And when dealing with the issue of treating hazardous waste, the public trusts neither government nor industry. Therefore, it is truly important to have meaningful participation in order to gain public trust. The public is weary of inconclusive health studies and technical considerations in the site-selection process. They want to be directly involved in those

decisions that will greatly affect them.

This inference--that the public participation process is nothing more than lip service--will be verified, on the following pages, by a closer examination of how the MHWMC has included community involvement in the site-selection process. However, a brief account of the main premises on which the Corporation has based its process is necessary before we can proceed any further.

The Corporation's main premise is that the facility should be built within the City of Winnipeg's boundaries, because city-dwellers produce the majority of the wastes that need to be disposed. Its second premise is that approximately 87 percent of the waste that is generated can be managed at source through volume reduction, at-source treatment, or by recycling. However, the remaining 13 percent will require specialized off-site treatment.[8]

More importantly, however, the Corporation has recognized that typically, technical and economic considerations have dominated siting decisions. The public's involvement has been solicited only after decisions have been made regarding location. Because social considerations have largely been ignored in the past, the public reacts to siting decisions with understandable community resistance. Therefore, the MHWMC chose to involve the community when policies and siting guidelines were being established, as opposed to waiting until some future time--when it might be too late.[9] The MHWMC feels that the process it has undertaken may be longer, but that it will help to build bridges of trust between the Corporation and the community.

VOLUNTARY APPROACH

The method the MHWMC has followed in involving the community has been through what the Corporation calls the voluntary approach and the co-management approach. The voluntary approach involved the identification of areas with the greatest potential for hosting the development of a facility. Citizens of these areas were then invited to learn more about the project. The invitation was extended after the Corporation distributed its provincial screening results[10] to all municipalities in the province, as well as numerous stakeholders.[11]

The main assumption behind the voluntary approach is that the community under consideration in the site-selection process must only consent to the *idea* of the facility being built in their area (not to the actual facility) before further proposals to study the site are undertaken. And consenting host communities are under no obligation to continue in the site-selection process. The community can withdraw from consideration *at any time*.

However, the flaw in the rationale of the voluntary approach is the definition of "community." For rural areas under consideration, the community involves the individuals living in that area. But for locations

under consideration in the City of Winnipeg, the definition of community is *Council support*. Thus, by definition, Council's consent to host the facility within the City is equated with having individual community members' support. But this may not always be the case.[12] In an interview with Alun Richards, External Affairs Coordinator of the MHWMC, I was told that the reason for shifting the definition of community from individual members, for rural municipalities, to Council support, for the City of Winnipeg, was to ensure a higher success ratio.[13]

This raises the question of what is the role of the politicians, and how do they make their decisions? Tindal and Tindal, in the book *Local Government in Canada*, examine how municipal councillors perceive and carry out their roles. It is a common belief that elected councillors are representatives of the people. There are three different views of the representative role of the councillor. The first view is that councillors are *trustees*, that they have been elected to exercise their own judgment on the issues that require their decisions. The second is that they are *delegates*, and follow local views and wishes. The third view is that the councillor acts as a *politico*. Here, politicians vary their behaviour depending on the nature of the issue.[14]

The challenge is now to decide what role the elected Winnipeg City Councillors see themselves playing. However, before we can proceed with this, an understanding of how the co-management process works is necessary.

CO-MANAGEMENT APPROACH

Co-management is a concept which refers in general to a process which involves "two or more parties working towards a particular goal or objective in a joint and cooperative fashion."[15] This refers to the Corporation and consenting communities (through a Community Advisory Committee) jointly to examine a local area to determine if a technically, environmentally and socially acceptable site can be found.

The principles of co-management as a siting process are as follows:

- the process is a voluntary one;
- the siting investigation proceeds at the rate at which the community feels comfortable;
- the community will establish a Community Advisory Committee to work with the Corporation in the site investigation;
- the Community Advisory Committee will independently address issues and concerns of the community;
- the Community Advisory Committee will independently provide a recommendation on the community's position respecting support of the development, usually to the elected municipal

council(s); and

- the community will make its final decision after it has completed its investigation and has all the information.[16]

The Community Advisory Committee (CAC), chosen by the municipality, would be comprised of a wide range of community members, each representing certain areas and/or aspects of the individual community. The main purpose of the CAC is to contract independent studies of its own (funded by the Corporation, within reason), as well as to hear the concerns of the community. By conducting its own investigation, the CAC can determine whether the information given to its members by the MHWMC is accurate. The Corporation is using this method to gain the trust of the community.

Given these principles of co-management, the community holds real decision-making power, as propounded by Arnstein, as necessary conditions for achieving meaningful participation. This is true for rural municipalities, where the individual citizens, not the elected councillors, consent to host the proposed facility. But for the City, as previously mentioned, the elected Council *is* the community. And even though the Council has consented to have the City studied as a possible location for the treatment facility, it has failed to set up a Community Advisory Committee.* Even if a CAC is set up, whatever investigations it undertakes or concerns it tries to address, it will not make the final decision. City Council, representing the community of Winnipeg, has the final say--not the community members that must live with the decision.

In an interview with Winnipeg City Councillor Terry Duguid,[17] he was asked why Council had not set up a Community Advisory Committee. Mr. Duguid responded that they are still waiting for a final recommendation for the Corporation as to which of four proposed sites would be selected for a more in-depth study. When this recommendation was put forth in March, he explained, then a CAC would be set up, consisting of members from the larger community of Winnipeg.

In this process, the public is not involved in the site-selection process from the very beginning, as the literature handed out by the Corporation would have us believe. Because the Corporation is dealing with such a sensitive issue--the treatment of hazardous waste--the public is suspicious. The NIMBY fear, whether justified or not, is genuine.

The mandate of the Corporation with respect to the public is to "Earn public approval of the system and its components through open and responsive communication and through public participation in *all aspects of their development and operation*."[18] But this has not occurred. By not involving the public in all aspects of its examination of the four Winnipeg areas under consideration, the Corporation

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*This situation has changed since the time this paper was written.

minimized the element of participation. By not addressing the possibility of four site locations head-on, which would have heightened the NIMBY syndrome in those areas, it has, in effect, sent out the message that meaningful participation in unnecessary, since a likely site has already "been identified." In other words, why "frighten" the citizens of four areas as opposed to only one area?

This, however, only plays into the "hands" of the NIMBY syndrome. The Corporation itself believes that for a community to become comfortable with the idea of a hazardous waste treatment facility being built in its neighbourhood, the community needs at least eighteen months of examination before making the final decision either to accept or reject the facility. This allows citizens to cope with their fears, ask all their questions, and to become more relaxed with the idea of a hazardous waste treatment facility.[19]

Unfortunately, the Corporation has the mandate to involve the public, but not the power to ensure that this is done. It is up to the community to set up the CAC. Therefore, any decision-making power the CAC or a community[20] might have had, does not truly exist in Arnstein's sense. Moreover, the citizens of the area do not choose the members of the CAC, but rather Council does. And it is Council that makes the final decision as to location.

As Michael Fagence rightly points out, "participation--actual involvement in the design and delivery of policies--should not be confused with demands for more consultation or better redress of grievances."[21] But the MHWMC has dealt with the issue of "meaningful" public participation as a means to inform, consult and placate the fears of the public. The use of public hearings, Open Houses and CACs does not mean that the public is involved in "the design and delivery of policies." Rather, these methods provide avenues for "more consultation or better redress of grievances."

According to Winnipeg City Council, public hearings, a well as numerous Open Houses held by the Corporation, are ample opportunities for citizens to be involved in "meaningful" participation.[22] Thus the involvement of citizens once a CAC is set up would fall into the category of "degrees of tokenism." The purpose of the CAC would be to inform, consult and placate the public. The CAC would hold no real decision-making power.

It is important to note that the use of CACs, public hearings, Open Houses and community meetings are all activities which fall into the administrative perspective on citizen participation.[23] They are a means of persuading the public to accept a particular program. They are meant to have the views of the public heard, but not necessarily heeded. In one interview with an individual who wished to remain anonymous, it was pointed out that the community meetings were not publicized sufficiently to get a high turnout. He mentioned that some individuals involved in the process felt that as a result, the MHWMC would be able to blame the NIMBY syndrome and public apathy for lack of real community involvement.[24]

Many argue that the NIMBY syndrome is an irrational rejection of sound technological progress. But

the public has real fears concerning the placement of a hazardous waste treatment facility. The public trusts neither government nor industry. In a MHWMC document it is stated that "A major contribution to the anxiety of community members concerned about a proposed facility is the concern that they may not be able to participate directly in a decision that may greatly affect them. If the siting is to be accepted, it is important that the public is not disenfranchised in the process."[25]

Unfortunately, public hearings have not yet been conducted. As for the Open Houses, the Corporation uses questionnaires at the end of its presentation as a means to measure whether an individual has become more comfortable with the idea of a hazardous waste treatment facility compared to his or her attitude before the presentation. The Corporation uses these questionnaires to gauge acceptability of the concept of the project being built within City limits, before it pursues the matter any further. These methods may be a good indicator of the Corporation's public relations campaign, but how is it relevant in terms of a person's acceptance of a facility in his or her back yard?[26]

To date, no community Advisory Committee has been set up. But even if one had been set up, the ability of the CAC to conduct its own investigations may be undermined because no one knows for sure whether it is the MHWMC or the CAC that determines which aspects of the project the CAC can study. Hypothetically speaking, because the MHWMC is footing the bill for these subsidiary investigations, it could decide that a particular study was too costly, when, in reality, it did not want that area or aspect to be examined. Moreover, the criteria for choosing members to sit on the CAC have yet to be determined. According to Terry Duguid,[27] this matter is in the Mayor's hands. But recommendations to have the CAC consist of a "city-wide"--"local view" (50-50 or 60-40) split will be made. The local complement will not only be the residents, but also consist of academics from the science and technology community. This is to ensure that the local view is balanced between healthy scepticism and emotionalism (which stems from any issue that directly affects people). Whether these recommendations will be implemented is yet to be determined.

The initial objective of the MHWMC to build a proposed hazardous waste treatment facility in the City of Winnipeg, as opposed to building in a rural "back yard," is a good one. The City produces most of the waste, thus it should deal with the disposal of that waste. The Corporation's methodology to involve the public in "meaningful" participation, as it has been practised to date, is really nothing more than lip-service. The public may perceive that it is offering real input into the process when it is not. Open Houses as a means to educate the public are not enough. The majority of the people are not reached.

RESIDENT ADVISORY GROUPS

The change necessary to increase the quality and quantity of citizen participation must be secured

incrementally--by building and improving upon the structures and systems already in existence.[28] If this method were followed, then the use of the existing Resident Advisory Groups (RAGs) should be developed rather than creating a new community structure through the use of a CAC.

Although the RAGs have not been very effective to date, they were originally seen as providing a forum for public involvement by advising and assisting the Community Committees (CCs).[29] But the ineffectiveness of this committee structure is because Council has failed to provide adequate funding to enable participation to occur. Municipal councils have repeatedly shown their contempt for these public participatory avenues. With future reductions in the size of Winnipeg City Council, these RAGs will be rendered even less effective.[30]

An effective structure and clear mandate should be given to the CCs and the RAGs. However, there should be considerable emphasis on giving the RAGs meaningful power within the community structure, because the majority of community issues are generally tabled by the CCs. And since the CCs are dominated by Councillors, there is a need to have equally strong RAGs to help balance the needs of the people on the political agenda.

In order to ensure that better participatory methods are used when gaining public input into projects such as the hazardous waste treatment facility, a policy should be put in place that any organization proposing a project that requires public input should provide local government with the funding to do so. This could be accomplished through a citizen participation "user fee." The organization (whether a private business or government department like the MHWMC) would provide Council with a citizen participation fee, which in turn would be given to the RAGs to carry out their objectives of gaining public input for that project.

Because we live in a representative democracy, Council has the final say in deciding wether or not the facility will be built, not the neighbourhood in which the facility will be located. But Council makes decisions based on short-term goals--the re-election imperative. If building the facility will be political suicide, then Council may use the public participation process as a tool for *non*-decision making. In other words, it would blame the public as being the factor that "killed" a needed facility. Thus, perhaps the role of the Council sees itself playing is that of "politico." The Council will vary its behaviour, depending on the political climate surrounding the issue.

Alun Richards is quoted as saying that "if the hazardous waste treatment facility cannot be as safe as any surrounding industry, then it should not be built at all." Given statements such as this one--considering that industry is creating most of the hazardous waste that needs to be treated!--it is no wonder that the public has no confidence in industry or in government in dealing with these issues. Only through genuine participation will be public possibly regain trust in those who govern them.

NOTES

1. Robert F. Adie and Paul G. Thomas, *Canadian Public Administration* (2nd ed.; Scarborough: Prentice-Hall Canada Inc., 1987), p. 557.

2. Under Manitoba's current environmental legislation, public hearings are mandated for large-scale (Class II and III) projects.

3. Adie and Thomas, *Canadian Public Administration*, p. 577.

4. Gerald Hodge, *Planning Canadian Communities* (Toronto: Methuen, 1986), p. 352.

5. Ibid.

6. Ibid.

7. Open Houses, Public Meetings, Community Advisory Committees, Public Hearings. For a fuller description, see below.

8. Hazardous Waste Management Facility Fact Sheet, "Waste Types to be Treated." They based their information on a characterization of the hazardous waste market in Manitoba in 1988-89 to identify waste quantities, types and locations.

9. Barbara Connell, "The Consultative Process for Siting a Hazardous Waste Management Facility in Manitoba: Experience from Manitoba Communities," paper presented to the Twelfth Canadian Waste Management Conference, St. John's, Newfoundland, October 3, 1991, p. 1.

10. These are the results from initial studies which identify areas with potential.

11. Connell, "Consultative Process," p. 3.

12. Alun Richards, interview, February 11, 1991. Nowhere in the literature handed out by the MHWMC does the Corporation give a clear definition of community. This may allow the readers to supply their own definitions. Unfortunately, this can be very misleading for the reader, who may feel that the Corporation is dealing with actual community members, rather than Council approval.

13. Alun Richards, interview, February 11, 1991. Past experiences for the Corporation in dealing with a rural municipality found that an early referendum was called, which resulted in the Corporation's inability to continue with the site-selection process in that area (Connell, "Consultative Process," p. 4). As a result, the definition of community was changed with reference to the City of Winnipeg, because the Corporation did not want a particular neighbourhood to have the power to kill the site-selection process in that area, Moreover, the Corporation did not want a neighbourhood, by itself, to be able to stop the site-selection for the City, because the Corporation believes that the facility should be built where most of the waste is produced.

14. C.R. Tindal and S. Nobes Tindal, *Local Government in Canada* (3rd ed.; Toronto: McGraw-Hill Ryerson Limited, 1990), p. 166.

15. Connell, "Consultative Process," p. 2.

16. Ibid.

17. Terry Duguid, interview, February 15, 1991. Mr. Duguid first proposed the motion before Council to consent that the City of Winnipeg be studied further as a possible location for the facility.

18. "Environmental Policy Statement," in Manitoba Hazardous Waste Management Corporation general information folder. Emphasis mine.

19. Alun Richards, interview.

20. Community defined here as individuals citizens living in an area.

21. Michael Fagence, *Citizen Participation in Planning* (Toronto: Pergamon Press, 1977), p. 19.

22. Duguid, interview.

23. The definition of the administrative view is "to involve citizens in planning and other governmental processes, and as a result, increase their trust and confidence in government, making it more likely that they accept the decisions and plans and will work within the system when seeking solutions to the problems" (James J. Glass, "Citizen Participation in Planning: The Relationship Between Objectives and Techniques," *Journal of the American Planning Association* [April 1970]: 181).

24. The interview was conducted February 12, 1991.

25. A. Yassi, J. Weeks and A. Kraut, *Health Concerns and Hazardous Waste* (Manitoba Hazardous Waste Management Corporation, March 1990), p. 49.

26. See Appendix A.

27. Terry Duguid, interview April 1, 1991.

28. Fagence, p. 371.

29. Tindal, p. 93.

30. Given the political agenda of the Winnipeg Wards Review Committee, these CCs and RAGs may not be around for long.

APPENDIX A

We appreciate the time you have taken to come to this open house. If you would take a moment to answer these questions, it will help us to better respond to your concerns.

IN WHAT MUNICIPALITY DO YOU LIVE? _____

HOW DID YOU HEAR ABOUT THIS OPEN HOUSE?

- newspaper ____ word of mouth ____
- other _____

WHAT IS YOUR MAIN INTEREST REGARDING HAZARDOUS WASTE MANAGEMENT?

- household hazardous waste ___
- industrial/commercial waste issues ___
- business opportunities ___
- municipal waste issues ___
- economic development opportunities ___
- other (please state) _____

_____

WERE YOUR QUESTIONS OR CONCERNS ANSWERED?

Yes ___ No ___

Comments _____

_____

DO YOU FEEL THESE WASTES CAN BE HANDLED IN A SAFE MANNER?

Yes ___ No ___

Comments _____

_____

DO YOU THINK YOUR COMMUNITY WOULD LIKE TO KNOW MORE ABOUT THE FACILITY SITE SELECTION PROCESS?

Yes ___ No ___

Comments _____

_____

DO YOU HAVE ANY FURTHER COMMENTS?

_____

_____

_____

Thank You

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